

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ROBERT JONES, et al.,	:	Civil Action No.: 08-2060 (JAP)
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
SYNTHES, INC., et al.,	:	
	:	ORDER
	:	
Defendants.	:	
	:	

This matter comes before the Court upon the informal letter application of Defendants Synthes USA Sales, LLC and Synthes USA Products, LLC (“Synthes”), dated October 9, 2009, seeking to preclude the supplemental report of Plaintiffs’ expert, Warren Lieberman (“Mr. Lieberman”) dated September 24, 2009; and Plaintiffs Robert and Krista Jones having responded by letter dated October 12, 2009 arguing that there is no prejudice to Synthes by the production of Mr. Lieberman’s supplemental report; and the Court finding that precluding the report would unduly prejudice Plaintiffs; and the Court further finding that any prejudice to Synthes can be avoided by allowing Defendants to re-depose Mr. Lieberman and granting leave to serve rebuttal expert reports; and the Court having reviewed the parties’ submissions and having conducted a recorded conference call on this matter on October 14, 2009; and for the reasons stated herein;

IT IS on this 15th day of October, 2009,

ORDERED that Defendants’ informal letter application seeking to preclude the report of Warren Lieberman dated September 24, 2009 is **DENIED**; and it is further

ORDERED that expert discovery in this matter is extended to **December 14, 2009** for the limited purposes of allowing Synthes to re-depose Mr. Lieberman and to serve rebuttal reports from Synthes’ experts on the subjects raised in Mr. Lieberman’s supplemental report; and

it is further

ORDERED that the Final Pre-Trial Conference presently scheduled for **October 20, 2009** is hereby adjourned and rescheduled to **January 5, 2009 at 11:00 a.m.** before the undersigned, at the Clarkson S. Fisher United States Courthouse, Trenton, New Jersey.

s/Douglas E. Arpert

DOUGLAS E. ARPERT

UNITED STATES MAGISTRATE JUDGE